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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/085,701

02/28/2002

Erroll Crosbie

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1556

28101

7590

05/01/2006

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EXAMINER

FERGUSON, DENISE

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/085,701	CROSBIE, ERROLL	
	Examiner	Art Unit	
	Denise Ferguson	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/28/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a non-final office action in response to the communication received on 02/28/2002. Claims 1-7 are now pending in this application.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites the limitation "information thereon" in line 2. There is insufficient antecedent basis for this limitation in the claim. It is unclear as to whether "information thereon" refers to "sales data" as recited in claim 1 (5), or refers to

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distinctly different data. For the purpose of examination, "information thereon" is considered to be "sales data".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 6, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallivan, et al. (US Publication No. 2003/0050825 A1).

As per claim 1, Gallivan shows a method of detail follow-up comprising the following steps:

(1) a panel of clients is pre-recruited to report on details (0003; Gallivan teaches that it is typical in the pharmaceutical industry to recruit client panels to collect data regarding pharmaceutical promotional activities of the sales representatives whom they have encountered),

(2) upon completion of a detail a panel client contacts a central reporting service (0018, the reporting client contacts a centralized data reporting system to submit detail activity data),

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(3) the central reporting service instructs the client on pre-determined criteria either to fill out an already provided questionnaire or to do nothing (0056; the reporting system directs the client to answer questions regarding the sales representative's encounter with the client),

(4) the central reporting service conducts a telephone interview within a pre-determined time period with a selected number of the reporting clients (0040; the reporting system includes a call center for receiving information from the reporting clients by telephone), and

(5) within a pre-determined period of time the central reporting service compiles a report with the relevant sales data (0037-0039, 0042; the reporting system produces sales data reports).

As per claim 2, Gallivan, et al. discloses a method according to claim 1, characterized in that the clients are doctors or other trained medical personnel (0011; the clients are physicians, e.g., general practitioners, family practitioners, and internal medical practitioners).

As per claim 3, Gallivan et al. discloses a method according to claim 1, characterized in that the panel of clients is approximately 600 in strength (0027; the system makes use of a single panel of prescribing physicians, e.g., at least 1000 general practice, family practice and internal medicine practice physicians to collect the data).

As per claim 6, Gallivan et al. discloses a method according to claim 1, characterized in that the report is provided on a weekly basis (0037-0039, 0042; customizable reports are provided electronically or in hard copy format).

As per claim 7, Gallivan, et al. discloses a method according to claim 1, characterized in that the central reporting service and information thereon is run by a computer program with pre-determined criteria programmed (0011; data is collected from physicians regarding the promotional activities of the sales representatives whom the physicians have encountered and the data is provided into a database and the system performs data analysis).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gallivan, et al. in view of Peterson, et al. (US Patent No. 6577713 B1). Gallivan et al. discloses a system that includes a call center for receiving information via telephone from the physicians of the panel (0040), but does not expressly disclose that the answering service asks a series of questions. Peterson discloses a method of creating telephone survey questions (column 4, lines 53-57). It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate a series of questions into the central reporting system in order to collect data.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gallivan, et al. in view of Kraft, et al. (US Patent No. 6912521 B2). Gallivan, et al. discloses a method of data collection via telephone (0040) but does not expressly teach a time restriction. Kraft discloses that as a result of conventional surveys being received by the surveyor at a time later than the submission and answering of the survey query, the survey results are often outdated or archaic as the opinions of those polled survey participants may have changed over time (column 1, line 66 – column 2, line 3). It would have been obvious to a person of ordinary skill in the art at the time of the invention to conduct the interview within a specified time of the detail in order to collect accurate and current data.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hill, et al. (US Publication No. 2002/0091817 A1) discusses an Internet based performance measurement system.
- Cohen, et al. (US Patent No. 5740035 A) discusses a system and method for carrying out surveys.
- Sales (US Publication No. 2002/0072954 A1) discusses a computer system that allows a company to keep a detailed record of its sales and marketing activities.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Denise Ferguson whose telephone number is (571) 272-6392. The examiner can normally be reached on Monday - Friday 8 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DF

04/27/2006

C. Michelle Tarae
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Patent Examiner
Art Unit 3623